

Group 2: Claims 1-17 and 32-44, drawn to a semiconductor device, classified in class 257, subclass 724

The Examiner asserts that the claims of Group 1 and Group 2 are related as a process of making and product made. The Examiner further explains that these can be shown to be distinct if either of the following is shown: (1) that the process as claimed can be used to make other and materially different product, or (2) that the product as claimed can be made by another and materially different process. The Examiner concludes that here the product as claimed “can be made by another and materially different process such as one in which the second carrier is coupled to the electrically common interface before the first carrier is coupled to the electrically common interface.” Page 2 of the Office Action.

However, the process of claim 18 does not require that the first and second carriers be coupled in any particular order. Thus, the process of claim 18 reads on the process that the Examiner asserts to be materially different (i.e., a process in which the second carrier is coupled before the first carrier is coupled). As such, the Examiner has failed to show that the product as claimed can be made by another and materially different process. Therefore, the Examiner has failed to establish a prima facie case for this restriction, and as such the restriction requirement should be withdrawn.

II. Specie Restriction

The present Office Action also asserts that two distinct species are included in the application. Specifically, the Office Action identifies:

Specie 1: embodiment of FIGURE 1, and

Specie 2: embodiment of FIGURE 4.

Thus, the Office Action requires election of one of such species, as well as identification of the claims readable on the elected species. Applicant has provisionally elected Specie 1, and claims 1-13, 15-17, and 32-44 read on this provisionally elected specie of FIGURE 1.

The Office Action asserts that currently no claim is generic as to these species. Applicant respectfully disagrees. For instance, various claims are included that read on both

of the identified species. For instance, in the provisionally elected Group 1, each of claims 1-14 and 17 read on both the species of FIGURES 1 and 4. Thus, claims 1-14 and 17 are generic to Species 1 and 2.

Applicant respectfully requests that the restriction as between the species of FIGURES 1 and 4 be withdrawn. 37 C.F.R. 1.141 provides that a reasonable number of species may still be claimed in one application if the other conditions of the rule are met, including that “the application also includes an allowable claim generic to all the claimed species.” As discussed above, claims 1-14 and 17 are generic. Thus, upon one of these or any other generic claim being determined as allowable, Applicant respectfully requests that the restriction as between the two species be withdrawn because two species is believed to be a reasonable number of species.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 49581/P042US/10315832 from which the undersigned is authorized to draw.

Dated: September 29, 2005

Respectfully submitted,

By


Jody C. Bishop

Registration No.: 44,034

FULBRIGHT & JAWORSKI L.L.P.

2200 Ross Avenue, Suite 2800

Dallas, Texas 75201-2784

(214) 855-8007

(214) 855-8200 (Fax)

Attorney for Applicant